

Senate Amendment to
House File 563

H-8505

1 Amend House File 563, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 1 through 30 and
4 inserting:

5 <Section 1. Section 13.7, Code Supplement 2011, is
6 amended to read as follows:

7 **13.7 Special counsel.**

8 1. Compensation shall not be allowed to any
9 person for services as an attorney or counselor to an
10 executive department of the state government, or the
11 head of an executive department of state government, or
12 to a state board or commission. However, the executive
13 council may authorize employment of legal assistance,
14 at a reasonable compensation, in a pending action or
15 proceeding to protect the interests of the state, but
16 only upon a sufficient showing, in writing, made by the
17 attorney general, that the department of justice cannot
18 for reasons stated by the attorney general perform the
19 service. The reasons and action of the council shall
20 be entered upon its records. If the attorney general
21 determines that the department of justice cannot
22 perform legal service in an action or proceeding, the
23 executive council shall request the department involved
24 in the action or proceeding to recommend legal counsel
25 to represent the department. If the attorney general
26 concurs with the department that the person recommended
27 is qualified and suitable to represent the department,
28 the person recommended shall be employed. If the
29 attorney general does not concur in the recommendation,
30 the department shall submit a new recommendation. This
31 ~~section~~ subsection does not affect the general counsel
32 for the utilities board of the department of commerce,
33 the legal counsel of the department of workforce
34 development, or the general counsel for the property
35 assessment appeal board.

36 2. The executive branch and the attorney general
37 shall also comply with chapter 23B when retaining legal
38 counsel on a contingency fee basis under this section,
39 as appropriate.>

40 2. Page 2, by striking lines 32 and 33 and
41 inserting <basis, unless the attorney general
42 determines that the procurement process is not feasible
43 under the circumstances and sets>

44 3. Page 2, by striking line 35 and inserting:

45 <3. a. Except as provided in paragraph "c", the
46 state shall not enter into a contingency fee>

47 4. Page 3, line 5, after <dollars> by inserting <,
48 exclusive of reasonable costs and expenses>

49 5. Page 3, line 8, after <dollars> by inserting <,
50 exclusive of reasonable costs and expenses>

1 6. Page 3, line 11, after <dollars> by inserting <,
2 exclusive of reasonable costs and expenses>
3 7. Page 3, line 14, after <dollars> by inserting <,
4 exclusive of reasonable costs and expenses>
5 8. Page 3, line 16, after <dollars> by inserting <,
6 exclusive of reasonable costs and expenses>
7 9. Page 3, by striking lines 23 and 24 and
8 inserting <executive council of the aggregate
9 contingency fee limits in paragraphs "a" and "b" if the
10 attorney general provides a thirty-day>
11 10. Page 4, line 11, by striking <attend> and
12 inserting <participate in>
13 11. By striking page 4, line 33, through page
14 5, line 3, and inserting <copying upon request in
15 accordance with chapter 22.>
16 12. By renumbering as necessary.